REMARKS

I.   Summary of the Examiner's Action

A.   Claim Rejections

As set forth in page 2 of the July 6 Office Action, claims 1, 5 – 7 and 14 – 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Application Publication No. 2004/0198366 to Crocker *et al.* (hereinafter "the Crocker application") in view of United States Patent Application Publication No. 2006/0002338 to Guo (hereinafter "the Guo application").

As set forth in page 9 of the July 6 Office Action, claims 2 – 4 and 8 – 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Crocker application in view of the Guo application.

As set forth in page 12 of the July 6 Office Action, claims 11 – 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Crocker application in view of the Guo application and further in view of United States Patent Application Publication No. 2004/0203948 to Provost *et al.* (hereinafter "the Provost application").

These rejections are respectfully disagreed with, and are traversed below.

II.   Applicants' Response – Claim Rejections

   A.   Rejection of Claims 1, 5 – 7 and 14 – 20 under 35 U.S.C. § 103(a)

Applicants reproduce claim 1 (as amended) for the convenience of the Examiner

here (emphasis added):

   1.   A method for establishing a wireless data transfer
connection between a remote application and a controlling application,
where the wireless link from the remote application is implemented by a
wireless terminal connected to the remote application, the method
comprising:

   arranging a group of allowable connection parameter settings in a
       pre-determined order, each connection parameter setting
       corresponding to a different service bearer;

   attempting to use a default connection parameter setting, wherein
       the default connection parameter setting corresponds to a
       default service bearer;

   detecting that the default service bearer is not usable to establish a
       wireless data transfer connection;

   serially selecting another connection parameter setting for the
       wireless link from the group of allowable connection
       parameter settings in the pre-determined order one-after-
       another until a usable service bearer is identified to perform
       the wireless data transfer; and

   after identification of the usable service bearer and a successful
       wireless data transfer, setting the default connection
       parameter setting to the usable service bearer.

Applicants respectfully submit that the prior art of record neither describes not suggests the emphasized subject matter of claim 1. Support for the emphasized subject matter is found throughout the application as filed; *see*, for example application, page 9, lines 1 – 9 reproduced here (emphasis added):

> "After disconnection of the data transmission in phase 390 a default connection parameter setting will always be defined for the next connection establishment attempt. There are several alternatives: First the original default parameter setting can be restored if it has been changed. Second alternative is that the used connection parameter setting can be set as a new default one. A third alternative is that after a predetermined time the original connection parameter setting is restored. Until that, the last connection parameter setting is used as a default one. Which of the above-mentioned options will be used depends on the configuration of the M2M terminal/module."

The relied-upon art shows no appreciation for this mode of operation. This mode of operation has the particular advantage of not reverting back to a default parameter setting that is already known not to be usable. It is typical that when a service bearer becomes unusable this state persists for a period of time. This aspect of Applicants' invention avoids the waste of time associated with switching away from a service bearer that is already known not to be usable after a successful wireless data transfer has been effected with an alternate service bearer.

In particular, the Crocker reference describes a method where an alternate communications link is chosen in a wireless communications network based on network

conditions when a default communications link fails. As described in Crocker, the first link is retried after connection condition factors are evaluated before a second link type is tried. If the second link type fails, the method reverts back to the first link type. *See* Crocker, FIG. 2 and para. 38. Guo describes a method where transmission power is incrementally increased until a desired data rate is achieved. Accordingly, at best, when combined, Crocker and Guo describe a system where an alternate communications link is chosen when a default communications link fails based on prevailing network conditions, and where transmission power of a functioning communications link is incrementally increased until a desired date rate is achieved. This combination does not establish a *prima facie* case of obviousness because it does not disclose each and every limitation of claim 1.

For example, in Applicants' invention as claimed, connection parameters corresponding to service bearers are established in a pre-determined order to be used when a default service bearer is not usable to perform a wireless data transfer. Applicants' method avoids the delay incurred by Crocker associated with evaluating connection conditions and retrying links that have already failed. In contrast, in Applicants' invention when the default service bearer is not usable, alternate connection parameters are selected until a usable service bearer is found to perform the wireless data transfer. Then, the default connection parameter setting is reset to the usable service bearer. The combination of Crocker and Guo simply does not describe or suggest this subject matter.

As a result of the foregoing arguments, Applicants respectfully submit that claim 1 is patentable over any of the references of record, whether taken singly or in combination. Applicants therefore respectfully request that the rejection of claim 1 be withdrawn. Applicants respectfully submit that independent claims 7, 15 and 18 – 20 are patentable over the art of record both for reasons similar to those set forth with respect to claim 1 and for reasons attributable to their independently-recited features. Applicants therefore respectfully request that the rejection of independent claims 7, 15 and 18 – 20 be withdrawn as well. Applicants further respectfully request that dependent claims 6, 14 and 16 – 17 are allowable as depending, either directly or indirectly, from allowable base claims.

B.   Rejection of Claims 2 – 4 and 8 – 10 under 35 U.S.C. § 103(a)

Applicants respectfully submit that dependent claims 2 – 4 and 8 – 10 are allowable as depending, either directly or indirectly, from allowable base claims. Applicants therefore respectfully request that the rejection of these claims be withdrawn.

C.   Rejection of Claims 11 – 12 under 35 U.S.C. § 103(a)

Applicants respectfully submit that the Provost application is not seen to remedy the deficiencies identified above respecting the combination of Crocker and Guo. Applicants therefore respectfully request that the rejection of claims 11 and 12 be withdrawn as these claims depend from allowable base claims.

IV. Conclusion

Applicants submit that in light of the foregoing remarks the application is now in condition for allowance. Applicants therefore respectfully request that the outstanding rejections be withdrawn and that the case be passed to issuance.

Respectfully submitted,

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Date

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